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Ronald E. Sloan

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01/31/2006

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EXAMINER

GARG, YOGESH C.

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,735

Applicant(s)

SLOAN ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/7/05 & 9/7/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,9-13,16-18,21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-13,16-18,21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2005 has been entered.

### ***Response to Amendment***

2. Applicant's amendment received on 9/7/2005 is acknowledged and entered. 1-5, 9-13, 16-18, 21 and 24 are amended. Currently claims 1-5, 9-13, 16-18, 21 and 24 are pending for examination.

### ***Response to Arguments***

3.1. Applicant's arguments filed 9/7/2005, see Remarks, pages 7-9, have been fully considered but they are not persuasive.

The Applicant argues, see Remarks, page 7, that the systems of Weblines and Ray do not provide any service or function directly to the user but instead the financial information is provided to a financial professional who can then pass along advice to a client with financial portfolio. The examiner respectfully disagrees. Ray teaches both the options that is providing financial advice to the client directly as well as through a financial advisor (see Fig.2 and col.7, lines 30-37, " *Returning to FIG. 2, the transfer of recommended transaction information is accomplished through I/O ports 235 and financial advisor personal computer 200 if customer is a financial advisor or*

*log-in client personal computer 210 if customer is a personal investor. Alternatively, the information may be provided to the financial advisor or customer via facsimile. "). The customer to whom the information is provided directly can be either the client himself, that is "210" or a financial advisor "210" who could also pass on the advice to his own customers.*

The Applicant further argues, see Remarks, pages 7-8, that the systems of Weblin and Ray do not disclose providing live financial coaching. The examiner respectfully disagrees. Weblin clearly suggests live financial coaching (see at least Weblin , page 2, under the head, " About the Weblin Solution ..... The Weblin Collaboration Server enables company representatives to share information with customers over the Web....while conducting a voice conversation or text chat....integrating multimedia types-including PSTN calls, interactive Web sessions, e-mail, text chat and voice-over-IP calls----", and head, " About Weblin Communications.....Customers include .....financial services....such as Putnam Investments, Trimark Investment management Inc....."). As per the disclosure in Weblin that Trimark Investment management uses Weblin software a detail enabling disclosure is presented in the Press release, wherein it is explicitly shown/suggested that Trimark, while using Weblin software provides financial coaching (see press release, page 1, "....Trimark is committed to providing leading-edge customer service in the financial services industry....To enable this new real-time service option, Trimark has implemented Weblin Communications' Collaboration Server.....The Weblin Collaboration Server enables Trimark representatives to share information with financial advisers over the Web-including Web pages, forms or applications....allowing Trimark representatives to respond to Web requests and telephone calls from within a common queue on their desktops and provide a consistent, unified face to their customers to their customers.....visitors to Trimarks' Financial Advisers Web site can

click on a "Call Me Now" button.....they can co-navigate the Web, securely share electronic documents....").

3.2. In view of the current amendments made to claims 1 and 17, rejection of claims 1-7, 17-18, 21 and 24 under 35 USC 112, second paragraph is withdrawn.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-13, 16, 17-18, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Press release, "Kana and Weblane Team to Provide Industry's Most Comprehensive Online Customer Interaction Solution "; Business Wire; New York; Apr 20, 1999, pages 1-3, extracted on Internet from <http://proquest.umi.com> on 03/04/2003, hereinafter, referred to as Weblane in view of Ray et al. (US Patent 6,018,722), hereinafter, referred to as Ray and in view of and in view of Pustejovsky et al. (US Publication: US 2001/0039493 A1), hereinafter referred to Pustejovsky and further in view of Schileru-Key (US Patent 6,388,688) .

4.1. With regards to method claims 1-5, Weblane teaches a method for providing a communication medium over a wide area network, including the Internet, for the primary purpose of providing a financial modeling and counseling system comprising:

providing automated financial coaching in a web-based environment; displaying to a user a plurality of communication options with a live financial advisor in said web page environment; and enabling a communication medium between said user and a live financial advisor based on the user selected communication option whereby said live financial advisor may provide live financial coaching in a collaborative medium for sharing data between said user and a live financial advisor upon the selection of a communication option from electronic mail, online chat, voice or talk with stand alone telephone options (The applicant's claims are directed to establishing a variety of automated communication options, in a web-based environment, between user and live financial advisor to provide financial coaching and Weblines supported by Press release, " Weblines Communications' Products Selected By Trimark Investments To Increase Service On financial Adviser Web Site "; Business Wire; March 22, 1999, extracted on Internet from Dialog database on 02/26/2003 and combined with Schileru-Key discloses the recited limitations (see at least Weblines , page 2, under the head, " About the WebLine Solution ..... The Weblines Collaboration Server enables company representatives to share information with customers over the Web....while conducting a voice conversation or text chat....integrating multimedia types-including PSTN calls, interactive Web sessions, e-mail, text chat and voice-over-IP calls----", and head, " About WebLine Communications.....Customers include .....financial services....such as Putnam Investments, Trimark Investment management Inc....."). As per the disclosure in Weblines that Trimark Investment management uses Weblines software a detail enabling disclosure is presented in the Press release, wherein it is explicitly shown/suggested that Trimark, while using Weblines software provides financial coaching (see press release, page 1, "....Trimark is committed to providing leading-edge customer service in the financial services industry....To enable this new real-time service option, Trimark has implemented Weblines Communications' Collaboration Server.....The Weblines Collaboration

Server enables Trimark representatives to share information with financial advisers over the Web-including Web pages, forms or applications.....allowing Trimark representatives to respond to Web requests and telephone calls from within a common queue on their desktops and provide a consistent, unified face to their customers to their customers.....visitors to Trimarks' Financial Advisers Web site can click on a "Call Me Now" button.....they can co-navigate the Web, securely share electronic documents....").

Webline, as applied to claim 1-5, does not show providing financial modeling wherein the financial modeling includes a profile of the user and directly providing automated customized financial coaching based on the financial model such that said user is assisted in achieving financial goals and optimizing long-term goals, and the financial coaching includes suggestions for changes to a current financial portfolio of the user and wherein the suggestions include financial products and recommended securities for the user to purchase. However, in the field of same endeavor, Ray suggests providing financial modeling wherein the financial modeling includes a profile of the user and automated customized financial coaching based on the financial model such that said user is assisted in achieving financial goals and optimizing long-term goals, and the financial coaching includes suggestions for changes to a current financial portfolio of the user and wherein the suggestions include financial products and recommended securities for the user to purchase. (see at least abstract, "*A computer implemented expert securities portfolio investment management system...operates as Registered Investment Advisor.....system automatically defines personal customer objectives, designs portfolios.....researches .....selects.....evaluates specific securities....*", col.9, lines 29-65, "*..... displaying investment recommendations, account information.....*", col. 4, line 62-col.5, line 48, "*The first step is to determine the personal asset allocation model 115 which is derived from a look up table according to customer answers to a questionnaire .....The system compares*

*these variables to answers on a look up table to determine which level of risk is appropriate to the investor.....This approach permits the customer an extensive number of possible portfolio designs. This breadth of diversity permits unusual depth of precision.....is the beginning of individualized management process... present invention to operate as a RIA....."* Note: In Ray, the computer implemented method of defining personal customer objectives, designing portfolios, displaying recommendations, determining asset allocation as per customer's responses to a questionnaire and preferences for risk levels correspond to providing automated customized financial modeling including a profile of the user, as claimed, and coaching such that said user is assisted in achieving financial goals and optimizing long-term goals . RIA dynamically analyzes the user's intentions by doing economic analysis, fundamental analysis, technical analysis and risk/return analysis (see at least col.2, lines 19-39 and col.5, line 59-col.8, line 62) and this process also corresponds to optimizing the customer's long-term goals.). Ray teaches both the options that is providing financial advice to the client directly as well as through a financial advisor (see Fig.2 and col.7, lines 30-37, "*Returning to FIG. 2, the transfer of recommended transaction information is accomplished through I/O ports 235 and financial advisor personal computer 200 if customer is a financial advisor or log-in client personal computer 210 if customer is a personal investor. Alternatively, the information may be provided to the financial advisor or customer via facsimile. "*). The customer to whom the information is provided directly can be either the client himself, that is "210" or a financial advisor "210" who could also pass on the advice to his own customers. In view of Ray, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified Weblene, as applied to claims 1-5, to incorporate the feature of directly providing financial modeling and coaching such that said user is assisted in achieving financial goals and optimizing long-term goals. Doing so



helps the consumers in minimizing risks and creating efficient portfolios for their future, as explicitly disclosed by Ray (see at least col.1, line 64-col.2, line 4).

Weblines in view of Ray, as applied to claims 1-5 do not show that the suggestions are presented in a natural language format via web. However, in the analogous field of answering verbal questions using remote devices by a natural language format system, Pustejovsky teaches that the suggestions are presented in a natural language format via web (see at least paragraph 0016). In view of Pustejovsky, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Weblines in view of Ray as applied to claims 1-5 to incorporate the features of Pustejovsky of presenting suggestions in a natural language format because it would highly improve the efficiency of the system if the applicant/user could get his/her answers directly from the Internet or database in the natural language without going through a human, as explicitly disclosed in Pustejovsky, see paragraph 0012.

Weblines in view of Ray and in view of Pustejovsky, as applied to claims 1-5, do not show establishing communication between said user and said live advisor transmitting streaming live video or still video clips upon the user's selection. However, in the same field of real interactive navigation via a network, Schileru-Key teaches the use of video clips and streaming live video (see at least col.4, lines 55-65, "*....In one embodiment, the sequence is video clip....in some embodiments, the image sequences may be shown using streaming video*") to provide an interactive navigation and exploration of real and virtual environments and to present auxiliary information related to points of interest (see at least col.1, line 55-col.2, line 15). In view of Schileru-Key, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Weblines in view of Ray and in view of Pustejovsky as applied to claims 1-5 to incorporate the features of Schileru-Key of using video clips and streaming videos because to assist the users in interactive navigation of information being presented to them as explicitly disclosed in Schileru-Key (see at least col.1, line 55-col.2, line 15).

4.2. With regards to system claims 9-13, and 16, and a computer program readable medium claims 17-18, 21, and 24, their limitations correspond to the limitations of method claims 1-5, and are therefore analyzed and rejected using the same rationale under 35 U.S.C. 103(a) as being unpatentable over Weblin in view of Ray in view of Pustejovsky and further in view of Schilleru-Key.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,567,796 to Yost et al. discloses a system and a method for management and automatic generation of personalized reports from an online analytical processing system which could be communicated to clients via a variety of communication options (see at least Abstract and Fig.1, where 40a, 40b,.....represent communication options and "50" represents Personalization module).

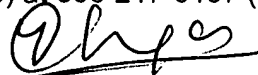
(ii) US Patent 6,253,192 to Corlett et al. discloses a system and a method for creating financial model based upon the user's profile (see at least Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
1/20/2006